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EXAMINER	
PHAM, THOMAS K	
ART UNIT	**PAPER NUMBER**
2121	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/755,751	REDDY ET AL.	
	Examiner	Art Unit	
	Thomas K Pham	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

1. This action is in response to the request for re-consideration file 08/19/2004.

2. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

Quotations of U.S. Code Title 35

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim Rejections - 35 USC § 102

5. Claims 1-3, 5-7, 10-20, 23-27, 30-32 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,662,225 ("Motoyama").

Regarding claims 1 and 12

Motoyama teaches a system for enabling remote monitoring and management of one or more applications within a domain, the domain being one of a plurality of such domains, the system comprising:

- one or more computers within the domain, and coupled to a network, each operable to execute one or more applications being monitored and managed (col. 9 lines 16-28, "A computer 272 connected ... to the computer 276");
- a firewall operable to limit access to the applications within the domain from the network (see fig. 5);

an application management layer within the domain comprising:

- one or more agents each operable to monitor one or more corresponding applications and generate notifications in response to the occurrence of events associated with the corresponding applications (col. 14 lines 6-13, "In FIG. 12A the object ... by the CMonitoringIF object 1305"); and
- a gateway operable to receive one or more of the notifications and store the notifications in a database (col. 14 lines 13-16, "The CUsageLogger object 1315 ... storage for logged data"); and

a communication layer within the domain operable to:

- retrieve one or more of the notifications from the database in response to a request received from a monitoring and management portal coupled to the network outside the domain, the request communicated to the communication layer using a communication protocol providing access (col. 8 lines 29-38, "In FIG. 5, there is illustrated a firewall 250 ... which are being monitored"); and

- communicate the notifications to the monitoring and management portal using the communication protocol to enable remote monitoring and management of the associated applications (fig. 5 and col. 8 lines 38-44, "The service machine 254 may be ... a general purpose computer").

Regarding claim 2

Motoyama teaches each agent includes one or more monitors each operable to interface with a particular corresponding application (col. 14 lines 10-11, "A CMonitoringIF object 1305 ... the target application MB 1300").

Regarding claims 3 and 15

Motoyama teaches one or more of the notifications comprise information regarding the state of an associated application (col. 18 lines 9-11, "This data includes all ... commands and frequencies").

Regarding claims 5, 18 and 25

Motoyama teaches the communication protocol comprises hypertext transport protocol (HTTP) (col. 10 lines 7-12, "the message transfer agents ... occur over the Internet").

Regarding claims 6, 19 and 26

Motoyama teaches the request from the monitoring and management portal comprises a request for the state of a particular application (col. 7 lines 54-58, "The CPU or other microprocessor ... operate the digital copier").

Regarding claims 7 and 20

Motoyama teaches the request from the monitoring and management portal comprises a request

for all notifications of a particular type relating to one or more selected applications in one or more selected domains (fig. 5 shows more than one domains each has its own firewall).

Regarding claim 10, 23 and 30

Motoyama teaches the domain is distributed from others of the plurality of domains (fig. 5).

Regarding claim 11

Motoyama teaches the communication layer is further operable to:

- receive a command for a particular application communicated from the monitoring and management portal using a communication protocol providing access through the firewall associated with each selected domain (col. 9 lines 64-67, "While FIG. 6A illustrates ... a user at the terminal"); and
- communicate the command to an agent associated with the application to which the command is directed (col. 9 line 67 to col. 10 line 6, "Connected to the user at a terminal 302 ... a Message Transfer Agent (MTA) 308"); and
- the agent is further operable to execute the command using a monitor within the agent associated with the application to which the command is directed and corresponding to the particular application, the monitor operable to interface with the particular corresponding application (col. 10 lines 6-12, "A common MTA for Unix systems ... may occur over the Internet").

Regarding claim 13

Motoyama teaches detecting the occurrence of events comprises monitoring each application using one or more agents within the associated domain, each agent including one or more monitors each operable to interface with a particular corresponding application within the

domain (col. 18 lines 9-11, "This data includes all ... commands and frequencies").

Regarding claim 14

Motoyama teaches configuring the agents and monitors from the monitoring portal using HTTP communications with web servers within the domains, each web server operable to communicate configuration instructions received from the monitoring portal to the agents within the associated domain (col. 10 lines 7-12, "the message transfer agents ... occur over the Internet").

Regarding claim 16

Motoyama teaches generating a response at each domain including the retrieved notifications for the domain that may be interpreted by a web browser within the monitoring portal (col. 13 lines 52-63, "At a designated time ... a computer readable medium"); and communicating the response to the web browser using the network (col. 10 lines 7-12, "the message transfer agents ... may occur over the Internet").

Regarding claim 17

Motoyama teaches receiving the retrieved notifications from each of the selected domains at the monitoring portal (col. 8 lines 38-42, "The service machine 254 ... performed on the monitored devices"); and aggregating the retrieved notifications from each of the selected domains for display to a user of the monitoring portal in a unified view (col. 12 lines 57-63, "This instance of such ... one of such function keys").

Regarding claim 24

Motoyama teaches a method for remotely managing applications, comprising:

- generating a command for each of a plurality of applications at a management portal coupled to a network, the applications being of a common type (col. 9 lines 16-28, "A computer 272 connected ... to the computer 276");
- within each selected domain, the applications executed on a plurality of computers within a plurality of domains, each domain coupled to the network and including a firewall limiting access to the applications within the domain (fig. 5 shows more than one domains each has its own firewall);
- communicating the command from the web server to an agent associated with the application to which the command is directed (col. 10 lines 7-12, "the message transfer agents ... may occur over the Internet"); and
- within each selected domain, each selected domain comprising an application to which a command is directed (fig. 5 elements 268, 278, 262 and 286 are device running application being monitor on each domain); and
- within each selected domain, executing the command using a monitor within the agent associated with the application to which the command is directed and corresponding to the particular application, the monitor operable to interface with the particular corresponding application (col. 10 lines 6-12, "A common MTA for Unix systems ... may occur over the Internet").

Regarding claim 27

Motoyama teaches the communication layer within each domain is operable to: communicate with the management portal using hypertext transport protocol (HTTP) (col. 10 lines 7-12, "the message transfer agents ... occur over the Internet"); and communicate with the agents within

the domain using one or more application program interfaces associated with each agent (col. 10 lines 51-54, "the message transfer agent 308 ... by the TCP connection 310").

Regarding claims 31, 32 and 34

Motoyama teaches software for enabling remote monitoring and management of one or more applications within a domain, the domain being one of a plurality of such domains, the software embodied in a computer-readable medium and, when executed by a computer, operable to:

- detect the occurrence of events associated with a plurality of applications executed on a plurality of computers within a plurality of domains, each domain coupled to a network and including a firewall limiting access to the applications within the domain (col. 18 lines 9-11, "This data includes all ... commands and frequencies");
- generate notifications in response to the occurrence of the events, each notification associated with at least one application (col. 13 lines 52-63, "At a designated time ... a computer readable medium");
- store at least some of the notifications in databases within the domains that comprise the associated applications (col. 14 lines 13-16, "The CUsageLogger object 1315 ... storage for logged data");
- retrieve notifications from the databases of a plurality of selected domains in response to a request received from a monitoring portal coupled to the network the request communicated to the selected domains using a communication protocol providing access through the firewalls associated with the selected domains (col. 8 lines 29-38, "In FIG. 5, there is illustrated a firewall 250 ... which are being monitored"); and

- communicate the retrieved notifications from each of the selected domains to the monitoring portal using the communication protocol (fig. 5 and col. 8 lines 38-44, "The service machine 254 may be ... a general purpose computer").

Claim Rejections - 35 USC § 103

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama in view of U.S. Patent 6,510,350 ("Steen").

Regarding claim 4

Motoyama teaches the communication layer query the database to retrieve the one or more notifications from the database; and generate a response including the notifications that may be interpreted by a web browser within the monitoring and management portal but does not teach a servlet engine operable to execute a servlet, the servlet operable to: query and collect data from a database and a web server operable to receive the response from the servlet engine and communicate the response to the web browser using the network. However, Steen teaches a servlet engine execute a servlet to either gather data or launches responses from the provider's database (col. 4 lines 21-27, "Software on the provider's system ... made at the primary site") and a provider's system is operate to communicate between the servlet engine and the user through any web browser (col. 3 line 65 to col. 4 line 20, "The user accesses the ... from Internet associated break in") for the purpose of buffering between the provider's database and the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the servlets of Steen with the communication layer of Motoyama

because it would provide for the purpose of buffering between the server's database and the user web browser.

7. Claims 8-9, 21-22, 28-29 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama and in view of U.S. Patent 5,826,239 ("Du").

Regarding claim 8, 21 and 28

Motoyama teaches a system for enabling remote monitoring and management of applications but does not teach the applications comprise electronic marketplace enabling applications. However, Du teaches a workflow process managing system for providing a business management concept (col. 8 lines 11-15, "a workflow process 18 ... needed to enact work") for the purpose of managing the rule and organizing policy enforcement requirements of a business. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the electronic business application of Du with the system of Motoyama because it would provide for the purpose of managing the rule and organizing policy enforcement requirements of a business.

Regarding claim 9, 22 and 29

Du teaches the applications comprise business processes (col. 9 lines 59-64, "To monitor the progress ... HP Open View environment").

Regarding claim 35

Motoyama teaches a method for remotely managing applications, comprising: generating a command for each of a plurality of applications at a management portal coupled to a network, the applications executed on a plurality of computers within a plurality of domains, each domain

coupled to the network and including a firewall limiting access to the applications within the domain (fig. 5 shows the plurality of domains each with its own firewall and col. 9 lines 16-28, "A computer 272 connected ... to the computer 276"); communicating the commands to a web server within each of one or more selected domains using hypertext transport protocol (HTTP), each selected domain comprising an application to which a command is directed (col. 10 lines 7-12, "the message transfer agents ... occur over the Internet"); within each selected domain, communicating the command from the web server to an agent associated with the application to which the command is directed (col. 10 lines 7-12, "the message transfer agents ... may occur over the Internet"); and within each selected domain, executing the command using a monitor within the agent associated with the application to which the command is directed and corresponding to the particular application, the monitor operable to interface with the particular corresponding application (col. 10 lines 6-12, "A common MTA for Unix systems ... may occur over the Internet"). Motoyama does not teach the method of managing a plurality of electronic marketplace enabling applications. However, Du teaches a workflow process managing system for providing a business management concept (col. 8 lines 11-15, "a workflow process 18 ... needed to enact work") for the purpose of managing the rule and organizing policy enforcement requirements of a business. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the electronic business application of Du with the system of Motoyama because it would provide for the purpose of managing the rule and organizing policy enforcement requirements of a business.

8. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama in view of Steen and further in view of U.S. Patent 5,826,239 ("Du").

Regarding claim 33

Motoyama teaches a system for enabling remote monitoring and management of one or more enabling applications within a domain, the domain being one of a plurality of distributed domains, the system comprising:

- one or more computers within the domain and coupled to a network, each operable to execute one or more applications being monitored and managed (col. 9 lines 16-28, "A computer 272 connected ... to the computer 276");
- a firewall operable to limit access to the applications within the domain from the network (see fig. 5);

an application management layer within the domain comprising:

- one or more agents each operable to monitor one or more corresponding applications and generate notifications in response to the occurrence of events associated with the corresponding applications (col. 14 lines 6-13, "In FIG. 12A the object ... by the CMonitoringIF object 1305"); and
- a gateway operable to receive one or more of the notifications and store the notifications in a database (col. 14 lines 13-16, "The CUsageLogger object 1315 ... storage for logged data"); and

a communication layer within the domain operable to:

- query the database to retrieve one or more of the notifications from the database in response to a request received from a monitoring and management portal coupled to

the network, the request communicated to the communication layer using hypertext transport protocol (HTTP) (col. 8 lines 29-38, "In FIG. 5, there is illustrated a firewall 250 ... which are being monitored");

- generate a response including the notifications that may be interpreted by a web browser within the monitoring and management portal (fig. 5 and col. 8 lines 38-44, "The service machine 254 may be ... a general purpose computer");

Motoyama does not teach the method of managing a plurality of electronic marketplace enabling applications; and a servlet engine operable to execute a servlet, the servlet operable to: query and collect data from a database and a web server operable to receive the response from the servlet engine and communicate the response to the web browser using HTTP to enable remote monitoring and management of the associated applications. However, Steen teaches a servlet engine execute a servlet to either gather data or launches responses from the provider's database (col. 4 lines 21-27, "Software on the provider's system ... made at the primary site") and a provider's system is operate to communicate between the servlet engine and the user through any web browser (col. 3 line 65 to col. 4 line 20, "The user accesses the ... from Internet associated break in") for the purpose of buffering between the provider's database and the user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the servlets of Steen with the communication layer of Motoyama because it would provide for the purpose of buffering between the server's database and the user web browser. Furthermore, Du teaches a workflow process managing system for providing a business management concept (col. 8 lines 11-15, "a workflow process 18 ... needed to enact work") for the purpose of managing the rule and organizing policy enforcement requirements of a business.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the electronic business application of Du with the system of Motoyama because it would provide for the purpose of managing the rule and organizing policy enforcement requirements of a business.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.** Responses may also be faxed to the **official fax number (703) 872- 9306.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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November 12, 2004

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